

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: **Edward L. Sinofsky**Group Art Unit: **3311**Serial No.: **08/411,581**

Examiner:

Filed: **March 29, 1995**For: **INFRARED LASER CATHETER SYSTEM**Attorney Docket No.: **ROE-040C4**Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

January 8, 1998

By:

Date of Signature and of Mail Deposit

*Thomas J. Engellenner*  
 Thomas J. Engellenner  
 Reg. No. 28,711  
 Attorney for Applicant

TERMINAL DISCLAIMER (1 of 3)

Dear Sir:

I, Thomas J. Engellenner, declare that I am the Attorney for Rare Earth Medical, Inc., a corporation of Massachusetts, having its principal place of business at 126B Mid-Tech Drive, West Yarmouth, Massachusetts 02673, the assignee of all rights in the above-identified application, as evidenced by the Assignment document executed by C.R. Bard, Inc. and recorded on May 31, 1996 at Reel 7969, Frame 0274, and that I am authorized to execute this terminal disclaimer on behalf of Rare Earth Medical, Inc. I further certify that I have reviewed the Assignment document and believe, to the best of my knowledge, that title to the above-referenced patent application resides with the assignee, Rare Earth Medical, Inc.

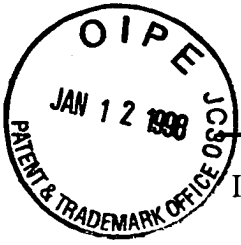
Pursuant to 35 U.S.C. §253 and 37 C.F.R. §1.321, Rare Earth Medical, Inc. hereby disclaims the terminal portion of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of

U.S. Patent No. 4,950,266, issued on August 21, 1990. Rare Earth Medical, Inc. also hereby agrees that any patent granted on the present application shall be enforceable only for and during such period that it and U.S. Patent No. 4,950,266 are commonly owned. This terminal disclaimer applies to any patent granted on the present application and is binding upon the grantee, its successors or assigns.

Rare Earth Medical, Inc. does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory term of U.S. Patent No. 4,950,266, in the event that U.S. Patent No. 4,950,266 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutory disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.32(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

Signed this 8th day of January, 1998 by:

  
Name: Thomas J. Engellenner, Registration No. 28,711  
Title: Attorney for Rare Earth Medical, Inc.



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**Thomas J. Engellenner**  
 Reg. No. 28,711  
 Attorney for Applicant

**TERMINAL DISCLAIMER (2 of 3)**

Dear Sir:

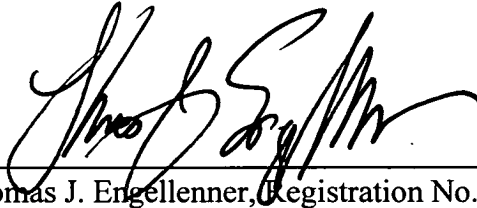
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U.S. Patent No. 4,917,084 issued on April 17, 1990. Rare Earth Medical, Inc. also hereby agrees that any patent granted on the present application shall be enforceable only for and during such period that it and U.S. Patent No. 4,917,084 are commonly owned. This terminal disclaimer applies to any patent granted on the present application and is binding upon the grantee, its successors or assigns.

Rare Earth Medical, Inc. does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory term of U.S. Patent No. 4,917,084, in the event that U.S. Patent No. 4,917,084 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutory disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.32(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

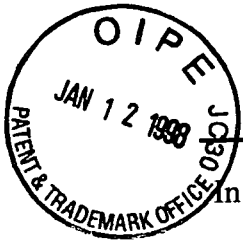
Signed this 8th day of January, 1998 by:



Name:  
Title:

Thomas J. Engellenner, Registration No. 28,711  
Attorney for Rare Earth Medical, Inc.

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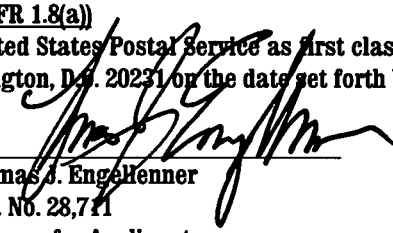
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January 8, 1998

By:

Date of Signature and of Mail Deposit

  
 Thomas J. Engellenner  
 Reg. No. 28,741  
 Attorney for Applicant

TERMINAL DISCLAIMER (3 of 3)

Dear Sir:

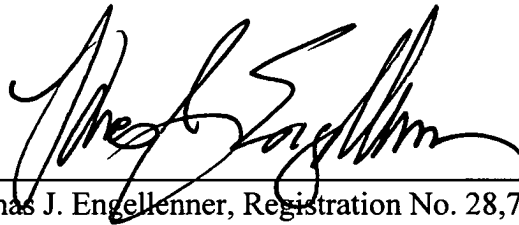
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U.S. Patent No. 5,196,004 issued on March 23, 1993. Rare Earth Medical, Inc. also hereby agrees that any patent granted on the present application shall be enforceable only for and during such period that it and U.S. Patent No. 5,196,004 are commonly owned. This terminal disclaimer applies to any patent granted on the present application and is binding upon the grantee, its successors or assigns.

Rare Earth Medical, Inc. does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory term of U.S. Patent No. 5,196,004, in the event that U.S. Patent No. 5,196,004 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutory disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.32(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

Signed this 8th day of January, 1998 by:

A handwritten signature in black ink, appearing to read "Thomas J. Engellenner", is written over a horizontal line.

Name: Thomas J. Engellenner, Registration No. 28,711  
Title: Attorney for Rare Earth Medical, Inc.